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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/919,281	07/31/2001	Aaron M. Jungreis	. ABTT-0214/B000070	4073	
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WOODCOCK WASHBURN LLP			EXAMINER		
ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			BERHANE,	ADOLF D	
			ART UNIT	PAPER NUMBER	
			2838	<del></del>	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   Ob/919,281   JUNGREISET AL			RF				
### Examiner   Acti Unit   Addit Barhane   2838  **The MAILING DATE of this communication appears on the cover sh et with the correspondence address Peri d for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   **MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION, after 50' (ci) MONTH(5' from the mailing date of the communication. If the process of the provision is the state that for (ci) (days, a raps) which is not expected to the communication. If the process of the provision is the state of the communication. If the process of the provision is the state of the communication in the state of the communication is the state of the communication. If the process of the provision is the state that the mainties date of the communication is the state of the communication in the state of the communication is the state of the communication in the state of the communication is the state of the communication in the state of the communication is the state of the communication in the state of the communication is the state of the communication in the state of the communication is the state of the communication in the state of the communication is the state of the communication in the state of the communication is the state of the communication in the communication is the state of the communication in the state of the communication is the state of the communication in the communication is state of the communication in the communication is state of the communication in the communication is state of the communication is state of the communication in the communication is state of the communication in the communication is state of the communication in the communication is state of the communication is state at the communication is communication in the communication is state of the communication in the communication is state at the communication is state of the communication is communication in the		Application No.	Applicant(s)				
Adolf Berhane	·	09/919,281	JUNGREIS ET AL.				
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Peri d for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  State SIX (b) MONTH'S from the realiting date of this communication. If the period is reply is general across, the maximum elitatory period will apply and will again \$3 \times (b) (b) MONTH'S from the realiting date of this communication. If the period for reply specified across, the maximum elitatory period will apply and will again \$3 \times (b) (b) MONTH'S from the realiting date of this communication. If the period to reply specified across, the maximum elitatory period will apply and will again \$3 \times (b) (0) MONTH'S from the making date of this communication. If the period by the period will apply and will again \$3 \times (b) (0) MONTH'S from the making date of this communication. Any reply reviewed by the Oriole period b	•	Adolf Berhane	2838				
THE MAILING DATE OF THIS COMMUNICATION.  - Edenions of time may be vailed under the provisions of 3 CPR 1.13(6). In no event, however, may a reply be timely field after SX (6) MCNTHS from the mailing date of this communication.  - Edenions of the may be vailed beautiful to the communication.  - IND period for reply a specified above, the maximum attaction yellow liquid to the communication.  - Pallure to reply within the set or extended princip for reply will. by datable, cause the application to become ARANDONED (35 U.S. 6, 1130). Any reply accessed by the Official extrem the new membra date then new provided then new the new that the new that the new pale that the new pa	Peri d for Reply						
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle; 1935-C:D. 11; 453 O.G: 213.  Disposition of Claims  4)  Claim(s)  1-49 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are allowed.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9)  The proposed drawing correction filed on  is: a) approved by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * O  None of:  1.  Certified copies of the priority documents have been received in Application No.  in the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>						
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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-49 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Jungreis et al. (6,369,461).

Jungreis et al. disclose a high efficiency power conditioner employing low voltage Dc bus and buck and boost converters in Figs. 1-3. A fuel cell–10, battery–22, controlling battery–24, maintaining DC voltage–12 and DC to AC inverter–16.

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## R spons to Arguments

3. Applicant's arguments filed 9/5/03 have been fully considered but they are not persuasive. Applicant argues that Jungreis et al. reference does not disclose the claimed invention. Applicant's attention is directed to Fig. 1, which shows a fuel cell–10, battery–22, controlling battery–24, maintaining DC voltage–12 and a DC to AC inverter -16. The DC bus line has a low voltage that varies with the load but the boost converter -12 try to maintain constant dc voltage once it has determined the required voltage for the load.

#### Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolf Berhane whose telephone number is 703-308-3299. The examiner can normally be reached on 10-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on 703-308-1680. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0658.

Adolf Bernane

Primary Examiner

Art Unit 2838